



1 Accordingly, the Complaint should be dismissed.

2 In reaching this conclusion, the court has weighed the relevant factors: "(1)  
3 the public's interest in expeditious resolution of litigation; (2) the court's need to  
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
5 favoring disposition of cases on their merits, and (5) the availability of less drastic  
6 sanctions." Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988).

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8 For the foregoing reasons, this action is dismissed without prejudice.

9 DATED: 2-4-11

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11   
12 JOHN F. WALTER  
13 UNITED STATES DISTRICT JUDGE

14 Presented by,  
15 Dated: February 1, 2011

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17 STEPHEN J. HILLMAN  
18 UNITED STATES MAGISTRATE JUDGE  
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